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5 **UNITED STATES DISTRICT COURT**
6 **WESTERN DISTRICT OF WASHINGTON**

7 KALEE DEARDORFF, an individual,
8 Plaintiff,

9 vs.

10 BENTLEY PROPERTIES, LTD.,

11 Defendant.

12 Case No.: 3:21-cv-05620-BJR

13 **JOINT STATUS REPORT AND**
14 **DISCOVERY PLAN**

15 COMES NOW, Plaintiff Kalee Deardorff and Defendant Bentley Properties, LTD., to file
16 this Joint Status Report and Discovery Plan with the Court. As of the date of this Status report, all
17 defendants have been served.

18 On October 21, 2021, the parties engaged in a Fed. R. Civ. P. 26(f) Conference. As a result
19 of this conference and exchange of disclosures, the parties present the following:

20 1. **Statement of Nature and Complexity of the Case:**

21 Plaintiff's Statement:

22 Plaintiff alleges that Defendant violated the Telephone Consumer Protection Act, 47
23 U.S.C. § 227 et seq., (“TCPA”). Specifically, Plaintiff alleges that Defendant sent her a
24 prerecorded voice call advertising Defendant’s services without her express written consent in
25 violation of the TCPA and its implementing regulations. Plaintiff brings this case as a putative
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1 class action seeking injunctive relief and statutory damages on behalf of herself and all others who
2 received similar prerecorded solicitations without their consent.

3 **Defendant's Statement:**

4 Defendant denies any violation. Ms. Deardorff personally selected an option wherein she
5 chose to be available for such phone contacts. No class exists as Defendant did not violate the
6 TCPA.

7 **2. Deadline for Joinder of Additional Parties:**

8 Additional parties to this lawsuit shall be joined no later than **December 3, 2021**.

9 **3. Proposed Discovery Plan:**

10 A. The parties served initial disclosures by **October 29, 2021**.

11 B. The parties do not see the need to phase discovery. The parties anticipate discovery
12 to encompass (1) the number of calls transmitted to Plaintiff and the class members; (2) the purpose
13 Defendant's prerecorded voice calls; (3) the type of consent, if any, provided by Plaintiff and the
14 class members to Defendant authorizing the transmission of prerecorded voice calls.

15 C. The parties have preserved any electronically stored information.

16 D. The parties do not anticipate privilege issues.

17 E. There are no proposed limitations on discovery.

18 F. There is no current anticipate for the need for any discovery related orders.

19 **4. Local Civil Rule 26(f)(1):**

20 A. The parties have conferred and recognize that given the number and scope of the
21 factual issues in this case, early resolution is not likely. However, discussions have begun to work
22 towards resolving certain individual issues in hopes of limiting the issues subject to litigation.

23 B. The parties will likely each desire to engage in mediation. However, the matter

1 will not be ripe for mediation until the majority of discovery has been completed.

2 C. There are no related cases.

3 D. The parties believe that they will act in good faith to manage discovery to minimize
4 expense to the litigants.

5 E. The parties anticipate discovery to include investigation, damages, and depositions
6 of witnesses to the various asserted claims and defenses.

7 F. The parties do not anticipate the need to phase motions.

8 G. The parties believe that discoverable information has been preserved.

9 H. As noted above, the parties anticipate that there may be privilege issues surrounding
10 attorney/client privilege. The parties will work together in attempt to resolve as they arise, and if
11 not resolved work together to present the issues to the Court.

12 **5. Discovery Completion:**

13 The parties have conferred and believe that discovery can be completed by **May 16, 2022**.

14 **6. Bifurcation:**

15 The parties do not believe this case should be bifurcated.

16 **7. Pretrial Statements and Pretrial Orders:**

17 The parties agree that this case is appropriate for pre-trial statements and a pretrial order.

18 **8. Individualized Trial Program:**

19 The parties do not believe this case should be submitted to the Individualized Trial
20 Program.

21 The parties currently take the joint position regarding alternative dispute resolution that
22 after discovery mediation may be held.

1 **9. Suggestions for Shortening or Simplifying Case:**

2 The parties have no suggestions for shortening or simplifying the case.

3 **10. Date Ready for Trial:**

4 The parties agree that the case will be ready for trial on **November 14, 2022**. This date is
5 outside of a year of this Joint Status Report and works with both parties' trial calendars as well as
6 the holidays.

7 **11. Jury or Non-jury:**

8 Plaintiff has demanded a jury.

9 **12. Length of Trial:**

10 The parties believe that this case can be tried in 4-5 days.

11 **13. Trial Counsel:**

12 The name, address and telephone number of trial counsel for Plaintiff is as follows:
13 Manuel S. Hiraldo, 401 E. Las Olas Blvd., Ste. 1400, Fort Lauderdale, FL 33301, 954-400-4713.

14 The names, address, and telephone number of trial counsel for Defendant Bentley
15 Properties is as follows: Romero Park P.S., Attn: Justin D. Park and Matthew Coughlan, 155
16 108th Ave. NE, Suite #202, Bellevue, WA 98004, 425-450-5000.

17 **14. Trial Date Complications:**

18 Currently, neither Plaintiff's nor Defendant's counsel have any complications with the
19 proposed trial date or in that time frame.

20 **15. Service:**

21 All parties have been served.

22 **16. Scheduling Conference:**

23 No scheduling conference is needed prior to a scheduling order being entered.

1 **17. Corporate Disclosures:**

2 Defendant will fill its Corporate Disclosure on November 3, 2021.

3
4 DATED this 3rd day of November 2021.

5
6 **HIRALDO P.A.**

7 **3rd**

8 */s/ Manuel S. Hiraldo* _____

9 Manuel Hiraldo

10 (*pro hac vice*)

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21 *Attorney for Plaintiff and the Putative Class*

22 **ROMERO PARK P.S.**

23 */s/ Justin D. Park* _____

24 Justin D. Park, WSBA #28340

25 Matthew Coughlan, WSBA #19044

26 155-108th Avenue NE, Suite 202

27 Bellevue, Washington 98004

28 (425) 450-5000; (425) 450-0728

JOINT STATUS REPORT AND DISCOVERY PLAN - 5

1 **CERTIFICATE OF SERVICE**

2 I certify under penalty of perjury under the laws of the United States and the State of
3 Washington that I caused the forgoing document to be served on all parties of record via electronic
4 transmission to all parties and attorneys of record:

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6 Dated: November 3, 2021
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9 By: /s/ Manuel S. Hiraldo
10 Manuel Hiraldo
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